

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
September 9, 2015

REGULAR MEETING

Darien Town Hall - Auditorium – 7:46 to 9:10 PM

ZBA members present: Gary Greene, Vic Capellupo, Rich Wood, Jeff Williams and Ruth Anne Ramsey

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Gary Greene opened the meeting at 7:46 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Greene announced that the Public Hearing of Calendar No. 41-2015, the application of William I. Haslun II, Esq. and Johnson, Haslun & Hogeman LLC on behalf of Giovanni's at Water's Edge and PR Partnership LLC, 2748 Boston Post Road, is reopened and immediately recontinued without testimony to September 16, 2015, in order to allow the seating of a fully informed five member panel.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 31-2015 - the application of Arthur & Mary Bellis submitted on May 4, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story covered front porch; Section 406: 44.8 in lieu of 50.0 feet minimum required front yard setback. The property is located on the north side of Marianne Road at the intersection with Shady Acres Road and is shown on Assessor's Map #1 as Lot #92, being 22 Marianne Road and located in an R-2 (residential) Zone.

Homeowner Art Bellis answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 42-2015 - the application of ERI Building and Design, Jeffrey McDougal and William W. Seymour and Assoc. on behalf of William & Catherine Wappler submitted on August 4, 2015 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 178.7 in lieu of 200.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 178.7 in lieu of 200.0 feet minimum required lot width. The property is situated on the east side of Brookside Road approximately 600 feet south of the intersection with Stephen Mather Road and is shown on Assessor's Map #1 as Lot #64, being 390 Brookside Road and located in an R-2 (residential) Zone.

Surveyor Jeff McDougal and Builder Kent Eppley answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 43-2015 - the application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of First Congregational Church of Darien submitted on August 12, 2015 for an interpretation of Section 210 and/or a variance of Section 825 of the Darien Zoning Regulations; to allow the construction of interior alterations and façade improvements to the 11 Brookside Road building; Section 210: an interpretation of "substantial improvement" relative to this property; and Section 825: maintenance of existing lower level space at 51.4 in lieu of 53.1 minimum required floor elevation. The subject property is situated on the southeast corner formed by the intersection of Boston Post Road and Brookside Road and shown on Assessor's Map #16 as Lots #92, 93, 94 & 95, being 11 Brookside Road and located in the DB-1 (commercial) Zone.

Architect Neil Hauck answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 44-2015 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of St. John's Roman Catholic Church submitted on August 12, 2015 for variances of Sections 373, 406 and 927; to allow the display of

monuments/headstones and the use of a hanging sign including the word "monument"; Section 373: to allow the display of articles for sale in the front yard setback space; Section 406: 12.0 in lieu of 30.0 feet minimum required front yard setback and 34.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Camp Avenue for the monuments/headstones; and Section 927: to allow the word "monument" on the sign located within the front yard setback space. The subject property is located on the southwest corner of the intersection formed by Hoyt Street and Camp Avenue and is shown on Assessor's Map #31 and Lot #38, being 25 Camp Avenue and located in the R-1/3 (residential) Zone.

Attorney Wilder Gleason and Margaret Clarke answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Don Foley objected to various aspects of the application. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 31-2015 - The application of Arthur & Mary Bellis, 22 Marianne Road. Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 42-2015 - The application of ERI Building and Design, Jeffrey McDougal and William W. Seymour and Assoc. on behalf of William & Catherine Wappler, 390 Brookside Road. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance.

CALENDAR NO. 43-2015 - The application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of First Congregational Church of Darien, 11 Brookside Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances and/or interpretation.

CALENDAR NO. 44-2015 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of St. John's Roman Catholic Church, 25 Camp Avenue. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Ruth Anne Ramsey, Rich Wood and Jeff Williams. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted with stipulations.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested six month extension, received August 20, 2015, to obtain all required permits and begin on-site construction for ZBA Calendar No. 33-2015, Ben & Trudie Larrabee, 26 Fairview Avenue. The Public Hearing of this matter was June 24, 2015. Initial ZBA approval expires on January 6, 2016.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the requested extension.

Discussion of September 29, 2015 Planning and Zoning Commission public hearing of recommended Zoning Regulation changes.

The ZBA discussed the proposed Regulation changes and decided to continue the discussion at the next meeting on September 16, 2015.

Requested amendment of project plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to APPROVE the amended project plans.

Requested amendment of project plans for ZBA Calendar No. 19-2015, Jim and Sharon Schoen, 24 Hoyt Court.

The ZBA determined that a complete new application and public hearing is necessary to consider the amended project plans.

Requested amendment of project plans for ZBA Calendar No. 6-1992, Vanda McGlade Baker, 17 Indian Trail.

The ZBA determined that a complete new application and public hearing is necessary to consider the amended project plans.

Possible requested amendment to the stipulations regarding replacement tree planting for ZBA Calendar No. 11-2015, David Ingraham, 33 Casement Street.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to ACCEPT the replacement tree which was previously planted.

Discussion of Verrillo v. Branford ZBA Appellate Court decision.

Information was received from Town Counsel John Louizos which will be reviewed and considered at a future meeting.

ADJOURNMENT

The meeting was adjourned at 9:10 PM.

These Meeting Minutes,
Respectfully submitted September 18, 2015,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Mike Nedder, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on November 18, 2015. Mike Nedder, Vic Capellupo, Jeff Williams and Rich Wood voted in favor of the motion.